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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID PRIEST,)	
)	
Petitioner,)	No. 2:07-CV-0064 AWT
)	
v.)	
)	O R D E R
D.K. SISTO, Warden,)	
)	
Respondent.)	
_____)	

In its order dated June 2, 2008, this Court ordered respondent to file an answer to Priest's claim that his guilty plea was not voluntary because he was falsely promised a maximum term of seven years' parole. Respondent's answer was to be accompanied "by the necessary transcripts and record."

Docket No. 15. Respondent filed its answer on November 24, 2008, but did

not include any transcript of Priest's guilty plea or a written plea agreement. Those items, however, are necessary to evaluate the voluntariness of Priest's plea agreement, and may obviate the need for an evidentiary hearing.

IT IS HEREBY ORDERED:

1. Respondent shall file all available pleadings and documentation of Priest's guilty plea proceeding from the state court record, including any reporter's transcripts of Priest's plea proceedings (that now exist or can be transcribed from reporter's notes) and any written plea agreement, within 30 days of the date of this order.

2. Petitioner's request that the court take judicial notice of a reported case is denied. Federal Rule of Evidence 201, under which the request is made applies only to "adjudicative facts," and a reported case is not an adjudicative fact.

Dated: June 14, 2010.

/s/ *A. Wallace Tasima*

A. WALLACE TASHIMA
United States Circuit Judge
Sitting by Designation